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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARTIN TORRES-MARTINEZ,

Defendant.

No. 08-00488 JW

STIPULATION AND ~~PROPOSED~~
ORDER EXCLUDING TIME FROM JULY
23, 2008 TO SEPTEMBER 9, 2008 FROM
THE SPEEDY TRIAL ACT
CALCULATION (18 U.S.C. §
3161(h)(8)(A))

The parties stipulate that the time between July 23, 2008 and September 9, 2008 is excluded under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Finally, the parties agree that the ends of justice served by granting the requested continuance outweigh the best interest of the public, and the defendant in a speedy trial and in the prompt disposition of criminal

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1 cases. 18 U.S.C. §3161(h)(8)(A).

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3 DATED: September 3, 2008

JOSEPH P. RUSSONIELLO
United States Attorney

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5 /s/
CHAD M. MANDELL
6 Special Assistant United States Attorney

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8 /s/
MANUEL ARAUJO
9 Assistant Federal Public Defender

ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the time between July 23, 2008 and September 9, 2008 is excluded under the Speedy Trial Act, 18 U.S.C. §3161. The court finds that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. §3161(h)(8)(A).

IT IS SO ORDERED.

DATED: 9/8/08



HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE